

STATE OF ILLINOIS
BEFORE THE DEPARTMENT OF LABOR
160 N. LASALLE ST., STE. C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:

TRAFFIC SAFETY COLLECTIVE
BARGAINING ASSOCIATION,

Petitioner(s),

v.

JOSEPH COSTIGAN, DIRECTOR OF
LABOR and the ILLINOIS DEPARTMENT OF
LABOR,

Respondent,

LABORERS' INTERNATIONAL UNION OF NORTH
AMERICA, GREAT PLAINS LABORERS' DISTRICT
COUNCIL and their affiliated local unions "GREAT
PLAINS LABORERS", and STANLEY SIMRAYH, as a
member of the INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 150 AFL-CIO, and
the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 150 AFL-CIO "IUOE LOCAL 150"
and the PAINTERS DISTRICT COUNCIL 14 of the
UNITED BROTHERHOOD OF PAINTERS AND ALLIED
TRADES AFL-CIO (PDC) "PAINTERS" and MARTIN
FLANAGAN, as a MEMBER of the INTERNATIONAL
UNION OF NORTH AMERICA, CONSTRUCTION
& GENERAL LABORERS' DISTRICT COUNCIL OF
CHICAGO & VICINITY, and the LABORERS' DISTRICT
COUNCIL LABOR MANAGEMENT COOPERATION
COMMITTEE "LDC" and the INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, LOCAL(S) 179, 301,
330 673 and 731 ("Teamsters")

Intervenor(s).

STATE FILE NO. 15-H-JN08-0854

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued thereunder, and, pursuant to 56 Illinois Administrative Code 120.400 (a) (1-6) and on Chicago Laborers' Response to Petitioner's Motion to Voluntarily Withdraw its Prevailing Wage Objection, all parties having been duly advised on the premises;

The Chicago Laborers' pray to proceed with this Section 9 hearing under the Illinois Prevailing Wage Act despite the Petitioner's request to voluntarily withdraw its Section 9 objection. Absent an objection, there is no live dispute or controversy and a hearing is not only unnecessary but the undersigned has no complaint on which to move a "dispute" forward. The withdrawal of the objection has rendered the "controversy" moot.

Furthermore, the Department's regulations provide:

a) Permission to Intervene

1) Upon timely written application, the ALJ may, in his or her discretion, permit any party to intervene in a

hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when:

- A) The party is so situated that he or she may be adversely affected by a final order arising from the hearing;
- B) The party requesting intervention is a necessary party to the hearing proceeding; or
- C) A party's claim or defense and the main action have a question of law or fact in common.

56 Ill. Adm. Code 120.320 (a).

Various unions were allowed to intervene in the instant proceeding pursuant to this regulation. All universally plead that their membership would be adversely affected by any decision reached in the Section 9 objection filed by Petitioner. The absence of an objection renders the interveners argument that they can or will be adversely affected moot. Once again, absent a live dispute or controversy, the undersigned is unable to hold a hearing. Absent a moving party in this "dispute", the undersigned finds that the Chicago Laborers' prayer for relief is without merit.

Last, the Chicago Laborer's may under 820 ILCS 130/9 timely file its own objection in accordance with the statute should it believe it necessary.

IT IS HEREBY ORDERED:

Chicago Laborer's prayer for relief to proceed in this matter as original parties to the Association's objection is denied.

DATE: December 4, 2014

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing:

ORDER

prior to 4:30 p.m. on December 5, 2014, to the following addresses shown below via U.S. Mail and placed on the Illinois Department of Labor's official website at <http://www.illinois.gov/idol/Laws-Rules/legal/Pages/Hearings.aspx>:

Jon Hoag/Julia Proscia
SmithAmundsen
3815 E. Main St., Ste. A-1
St. Charles, IL 60174

Melissa Binetti
Indiana, Illinois Iowa
Foundation for Fair Contracting
6170 Joliet Rd., Ste. 200
Countryside, IL 60525

John Toomey
Arnold & Kadjan
203 N. LaSalle St., Ste. 1650
Chicago, IL 60601

Ed Hogan/Nick Hudalla
Hogan Marren, Ltd.
321 N. Clark St., Ste. 1301
Chicago, IL 60654

Dan Wright
Brown Hay & Stephens
204 S. Fifth St., Ste. 700
P.O. Box 2459
Springfield, IL 62705-2459

Terry McGann
Whitfield, McGann & Kettermann
111 E. Wacker Dr., Ste. 2500
Chicago, IL 60601

Via messenger:

Valerie Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

A handwritten signature in cursive script, reading "Ann Harrison", is written over a horizontal line.